

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:08-CV-465-RJC-DCK**

H&M BAY, INC., )  
                        )  
Plaintiff,           )  
                        )  
v.                    )                   **ORDER**  
                        )  
HAIGLER TRUCKING COMPANY, )  
                        )  
Defendant.           )  
                        )

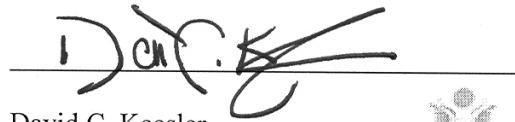
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**THIS MATTER IS BEFORE THE COURT** *sua sponte* and upon communications with the chambers of the undersigned regarding the status of this matter. There is a pending motion to dismiss this matter (Document No. 7) to which Plaintiff has not responded. That response is now long overdue. Counsel for the Plaintiff informed the staff of the undersigned upon telephone inquiry that he intends to take a voluntary dismissal in this case.

**IT IS THEREFORE ORDERED** that the Plaintiff shall file either a Stipulation of Dismissal in this matter or a response to the Defendant's motion to dismiss on or before **June 1, 2009**.

**SO ORDERED.**

Signed: May 20, 2009

  
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David C. Keesler  
United States Magistrate Judge  
